

REMARKS

As discussed below, because a clear and concise anticipatory rejection rationale for claims 12-13 and 16-17 is not provided in the final Office Action of December 19, 2003, the Applicant respectfully requests consideration of withdrawal of the finality so that the Examiner can provide a clear and concise rationale rejecting these claims.

STATUS OF CLAIMS

Claims 1-19 have been pending.

The Examiner maintains the rejections of claims 7, 11, 15, and 19 under 35 USC 102(e) as being anticipated by Bowater (US Patent No. 6,282,269).

Claims 12, 13, 16 and 17 are rejected under 35 USC 102(e) as being anticipated by Haumont (US 2001/0019951). Haumont is newly cited and newly relied upon.

Claims 1-6, 8-10, 14 and 18 are rejected under 35 USC 103(a) as being unpatentable over Haumont and in view of Kaplan (US Patent No. 6,032,039). Kaplan is newly cited and newly relied upon.

Claims 2, 6, 14, and 18 are rejected under 35 USC 103(a) as being unpatentable over Haumont in view of Kaplan and Ripley (US Patent No. 6,453,021). Ripley is newly cited and newly relied upon.

Claims 1, 4, 7-11, 15, and 19 are amended, new claims 20-22 are added, and, thus, claims 1-22 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment. The foregoing rejections are traversed.

INDEPENDENT CLAIMS 12 and 16 AND DEPENDENT CLAIMS 13 AND 17

Independent claims 12 and 16 are rejected under 35 USC 102(e) as being anticipated by Haumont (US 2001/0019951), which is newly relied upon.

However, from page 3, item 2, of the Office Action, it is not clear on which disclosure paragraphs of Haumont the Examiner relies to anticipatorily reject the independent claims 12 and 16, because FIG. 1 of Haumont alone cannot anticipate independent claims 12 and 16, which recite,

12. (CURRENTLY AMENDED) A system, comprising:
 - message storage systems storing voice messages;
 - a resource database storing message service information relating to the voice messages; and
 - a portable wireless telephone comprising a storage unit and a processor programmed to receive according to a data channel application layer data transfer protocol the message service information from the resource database via a data channel between the portable wireless telephone and the resource database, to store a voice message in the storage unit without establishing a voice or data channel with the message storage system, and to process according to the data channel application layer data transfer protocol a voice message responsive to the message service information via a data channel between the portable wireless telephone and the message storage system according to the message service information (emphasis added).

Haumont, in paragraphs 5, 12, 15-17 and 38-42, discloses using the General Packet Radio Service (GPRS) to provide voice messages between a voice message server 20 in a cellular network 10 and a mobile station 30. However, Haumont does not disclose or suggest the present invention's, "resource database storing message service information related to the voice message; and ... receive according to a data channel application layer data transfer protocol the message service information from the resource database via a data channel between the portable wireless telephone and the resource database" (independent claims 12 and 16). FIG. 1 of Haumont, which is relied upon by the Examiner in page 3 of the Office Action, does not disclose or suggest the present invention's "data channel between the portable wireless telephone and the resource database" (independent claims 12 and 16).

Although Haumont might disclose message processing by a wireless telephone via a data channel, Haumont does not disclose any communication techniques over a data channel between the wireless telephone and the voice mail server other than packetising to communicate via a packet switched network (Haumont, paragraph 48). Further, Haumont does

not disclose any detail of how to achieve routing in paragraphs 51-52. Therefore, Haumont does not disclose or suggest the present invention's "data channel application layer data transfer protocol," as well as the present invention's "resource database storing message service information related to the voice message; and ... receive according to a data channel application layer data transfer protocol the message service information from the resource database via a data channel between the portable wireless telephone and the resource database" (independent claims 12 and 16).

Further, Haumont does not disclose or suggest the present invention's patentably distinguishing feature, as recited in dependent claim 13, to "update ... the resource database via a data channel between the message storage systems and the resource database."

More particularly, in contrast to Haumont, the present claimed invention provides, "a data channel application layer data transfer protocol" and "a resource database ... via a data channel," for processing wireless telephone messages over data channels. Therefore, Haumont cannot anticipate the present invention as recited in claims 12-13 and 16-17. Accordingly withdrawal of the finality of the Office Action is respectfully requested, so that the Examiner can identify how Haumont anticipates the claimed invention as recited in independent claims 12 and 16.

INDEPENDENT CLAIMS 1, 4 AND 8

Independent claims 1, 4, and 8, and dependent claims 9-10, are amended to improve form only.

Independent claims 1, 4 and 8 are rejected under 35 USC 103 (a) as being unpatentable over Haumont and in view of Kaplan (US Patent No. 6,032,039), which is newly relied upon. In particular, the Examiner relies on Kaplan to reject the present invention's patentably distinguishing feature, "updating ... the message service information in resource database ... via a data channel between the resource database and the message storage system" (e.g., claim 1).

Kaplan, in column 7, lines 6-10, as relied upon by the Examiner, discloses voicemail notification to a wireless device from a central message storage area (see also Abstract of Kaplan). However, Kaplan does not contemplate providing the present invention's, "updating ... the message service information in the resource database ... via a data channel between the resource database and the message storage system." In other words, Kaplan does not use a data channel for voice processing between a wireless telephone and the message storage

system. Further, Kaplan does not disclose or suggest the present invention's, "a resource database ... via a data channel" for message service information processing between (1) the wireless telephone and (2) between the resource database and/or the message storage system and the resource database (see, FIG. 3 of the present Application). In particular, the Examiner's rationale on page 4, item 3, does not indicate where Haumont or Kaplan disclose or suggest the present invention's, "a resource database ... via a data channel" as recited in independent claim 1, 4, and 8.

Further, Haumont cannot suggest or provide a motivation to perform the present invention's use of a data channel resource database by "updating ... the message service information in the resource database ... via a data channel between the resource database and the message storage system" (claim 1), because Haumont does not disclose any communication techniques over a data channel between the wireless telephone and the voice mail server other than packetising to communicate via a packet switched network (Haumont, paragraph 48). Haumont also does not disclose any details of how to achieve the routing in paragraph 41-43 and 51-52, so that Haumont does not disclose the present invention's "a resource database ... via a data channel network."

Further, Haumont does not disclose or suggest the present invention's patentably distinguishing feature, as recited in independent claim 8,

alerting automatically by the resource database according to the data channel application layer data transfer protocol, a recipient-subscriber portable wireless telephone with the message service information ~~by the resource database~~ via a data channel between the resource database and the recipient-subscriber portable wireless telephone."

Therefore, there is no suggestion in Haumont to provide a motivation to combine Kaplan with Haumont, and, further, Kaplan does not even disclose or suggest and it would not be obvious to one skilled in the art to modify Haumont and/or Kaplan, to provide the present invention's, "updating ... the message service information in the resource database ... via a data channel between the resource database and the message storage system (claims 1, 4 and 8) as well as "alerting automatically by the resource database ... a recipient-subscriber portable wireless telephone with the message service information via a data channel between the resource database and the recipient-subscriber portable wireless telephone" (claim 8).

INDEPENDENT CLAIMS 7, 11, 15, AND 19

The independent claims 7, 11, 15 and 19 are amended to further emphasize the patentably distinguishing features of the present invention.

The Examiner maintains the rejection of claims 7, 11, 15, and 19 under 35 USC 102(e) as being anticipated by Bowater (US Patent No. 6,282,269). The Applicant respectfully disagrees with the Examiner, because Bowater's column 7, lines 1-3, which is relied upon by the Examiner in page 2, item 1, of the Office Action, does not disclose using Global System For Mobile (GSM) cellular phones as part of Bowater's Internet telephone voice mail system, but Bowater expressly discusses the GSM cellular phone to illustrate use of a compression technique used in the GSM wireless phones for compression in Bowater's Internet telephone voice mail system. In other words, Bowater only discloses that GSM compression technique can be used in Bowater's Internet telephone voice mail system. See, Bowater, column 6, lines 66 to column 7, line 3. However, Bowater does not disclose or suggest, the present invention's, "controlling from a portable wireless telephone processing of a voice message on a voice message storage system using a data channel with the voice message storage system ..." (emphasis added). In other words, Bowater does not disclose using a wireless telephone with Bowater's Internet telephone voice mail system, but only use a compression technique used in a GSM wireless telephone.

Further in contrast to Bowater as well as Haumont, the independent claims 7, 11, 15 and 19, are amended to recite, "controlling from a portable wireless telephone processing of a voice message on a voice message storage system using a data channel with the voice message storage system and according to application layer subscriber message processing protocol messages on the data channel (amended claim 7). More particularly, in contrast to Bowater as well as Haumont, the present invention as recited in amended independent claims 7, 11, 15 and 19, using claim 7 as an example, provides,

7. (CURRENTLY AMENDED) A process, comprising:

controlling from a portable wireless telephone processing of a voice message on a voice message storage system using a data channel with the voice message storage system and according to application layer subscriber message processing protocol messages on the data channel.

As discussed above regarding independent claims 1, 4, 8, 12 and 16, Haumont does not disclose any communication techniques over a data channel between the wireless telephone and the voice mail server other than packetising to communicate via a packet switched network

(Haumont, paragraph 48). Haumont also does not disclose anywhere the present claimed invention's, "processing ... according to application layer subscriber message processing protocol messages on the data channel" (amended claim 7).

Support for the claim amendments can be found, for example, in FIGS. 2-3 and paragraphs 27-29 and 34-36, of the present Application. See also, paragraphs 37-53 of the present Application.

DEPENDENT CLAIMS 2, 6, 14 AND 18

Dependent claims 2, 6, 14 and 18 are understood to be variously rejected by Haumont, Kaplan and Ripley.

Ripley discloses a system that generates message records of telephone calls (Abstract). The Examiner asserts that Ripley's mailbox identifier for the plurality of voice mailboxes of each of the multiple subscribers is same as the present invention's, "the message service information comprises location data of the message storage system and subscriber mailbox information" (dependent claims 2, 6, 14 and 18).

Although the Examiner's characterization might be correct as to a purpose of "mailbox information," however, Ripley's mailbox information is not provided in a configuration of the present invention, in which a resource database provides the location data of the message storage system via a data channel to a wireless telephone (i.e., a data channel resource database) so that the wireless telephone can retrieve messages via a data channel. See, paragraphs 27-28 of the present Application.

NEW DEPENDENT CLAIMS 20, 21 AND 22

In contrast to Bowater, Haumont and Kaplan, the present invention as recited in new dependent claim 20 recites,

process of claim 7, wherein the data channel processing of the voice message on the voice message storage system comprises identifying a recipient group of a voice message to be transmitted on the data channel to the voice message storage system in one of the application layer subscriber-message-processing protocol messages of the voice message to the voice message storage system, thereby providing group voice messaging.

None of the relied upon references, provide the present claimed invention's "group voice messaging" by "identifying a recipient group of a voice message to be transmitted on the data

channel to the voice message storage system in one of the application layer subscriber-message-processing protocol messages of the voice message to the voice message storage system." Support for new dependent claim 20 can be found, for example, in paragraph 58 of the present Application.

In contrast to Bowater, Haumont and Kaplan, the present invention as recited in new dependent claim 21 recites, "system of claim 11, wherein the portable wireless telephone further comprises a data storage storing location data of the voice message storage system as a local directory service function." Support for new dependent claim 21 can be found, for example, in paragraph 30 of the present Application.

In contrast to Bowater, Haumont and Kaplan, the present invention as recited in new dependent claim 22 recites,

22. (NEW) The process of claim 1, further comprising:

automatically alerting by the resource database and according to the data channel application layer data transfer protocol, the portable wireless telephone with the message service information, via the data channel between the resource database and the portable wireless telephone, and

the processing of the message by the portable wireless telephone comprises:

automatically initiating by the portable wireless telephone in response to the message service information alerting, and according to the data channel application layer data transfer protocol via the data channel between the portable wireless telephone and the message storage system, receipt of the message from the message storage system.

None of the relied upon references disclose or suggest the present invention's automatic message alerting and receiving, having a benefit of allowing message receipt into a wireless telephone without interaction by the wireless telephone user. Support for new dependent claim 22 can be found, for example, in paragraph 32 of the present Application.

CONCLUSION

In view of the claim amendments and the remarks, withdrawal of the rejections of claims 1-19 and allowance of claims 1-19 and new claims 20-22 is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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